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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

AUS9-2000-0486-US1

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on June 29, 2006

Signature

Dell Whitton

Typed or printed name Dell Whitton

Application Number

09/726,266

Filed

11/30/2000

First Named Inventor

Pratt et al.

Art Unit

2154

Examiner

Philip C. Lee

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 48,504

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Theodore D. Fay III

Signature

Theodore D. Fay III

Typed or printed name

972-385-8777

Telephone number

June 29, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Pratt et al.**

Serial No.: **09/726,266**

Filed: **November 30, 2000**

For: **Method for Managing Resources on
a Per User Basis for UNIX Based Systems**

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Group Art Unit: **2154**

Examiner: **Lee, Philip C.**

Attorney Docket No.: **AUS9-2000-0486-US1**

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

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By: _____

Dell Whitton
Dell Whitton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to Deposit Account No. 09-0447.

REMARKS

Applicants hereby request a pre-appeal brief review (hereinafter "request") of the claims finally rejected in the final office action mailed April 30, 2006. The request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005. The request is needed because the rejections are clearly in error.

Applicants first address the rejection of claim 1. The examiner rejects claim 1 as anticipated by *Marks, et al.*, An Entity Model that Enables Privilege Tracking Across Multiple Terminals, U.S. Patent Application Publication 2002/0010768 (January 24, 2002). This rejection is clearly in error. The examiner states that:

As per claims 1, 18 and 27, Marks taught the invention as claimed comprising:

Creating a particular configuration file (user profile) for each user of a network, wherein each configuration file contains a list of the network resources that a user may access (page 4, paragraph 47);

receiving a user identification at a client (page 4, paragraph 45);

initiating a resource attachment program in response to receiving the user identification (page 4, paragraphs 46 and 47) (i.e., the middleware server queries the user database to determine a user profile for the user in response to receiving the user identification);

matching, using the resource attachment program, the user identification with a configuration file associated with the user identification (page 4, paragraph 47); and

attaching, using the resource attachment program, network resources to the client based on the list contained in the configuration file associated with the user identification (page 5, paragraph 51).

Final office action of April 3, 2006, pp. 3-4.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Claim 1, in its current form, is as follows:

1. A method for managing resources in a computer network, comprising:
 - creating a particular configuration file for each user of a network, wherein each configuration file contains a list of the network resources that a user may access;
 - receiving a user identification at a client;

initiating a resource attachment program in response to receiving the user identification;
matching, using the resource attachment program, the user identification with a configuration file associated with the user identification; and
attaching, using the resource attachment program, network resources to the client based on the list contained in the configuration file associated with the user identification.

Marks does not anticipate claim 1 because *Marks* does not teach the claimed feature of “creating a particular configuration file for each user of a network,” as claimed. The examiner asserts otherwise, citing *Marks* as follows:

[0047] User privileges are determined at 520. In one embodiment, a middleware server in a network operations center *queries the user database in the network operations center to determine a user profile for the user*. The user profile includes the class of user and a set of user privileges and settings (e.g., application licenses, bookmarks, file access privileges, network access privileges, limited access to specific Web pages defined by specific URL allow and deny lists) for the user. The middleware server and/or the user database can be replicated to a local network.

Marks, paragraph 0047 (emphasis supplied).

This portion of *Marks* teaches a method of determining user privileges. In this example, *Marks* states that a server queries *a user database* to determine a user profile for the user. The user profile contains information regarding the user, including privileges and settings.

However, on its face *Marks* fails to teach the feature of claim 1 of “creating a particular configuration file for each user of a network.” Instead, *Marks* teaches that user information is stored in a user database. *If and when* a user attempts login, then a user profile is generated for the user. However, a particular configuration file is not created for *each user of a network*, as claimed.

For this reason, *Marks* does not teach all of the features of claim 1. Accordingly, *Marks* does not anticipate claim 1.

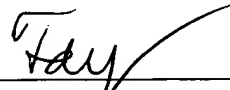
The remaining rejections all rely on the assertion that *Marks* teaches this claimed feature. Certainly, the examiner does not assert that any of the secondary references in the obviousness rejections teach or suggest this claimed feature. By stating that user profiles are stored in a database, *Marks* actually teaches away from this claimed feature. For this reason, the proposed combinations, when considered together as whole entities, do not teach or suggest all of the features of the claims. Thus, the remaining rejections are also all clearly in error.

Applicants request that the pre-appeal conference panel withdraw the rejections because the rejections are clearly in error. Additionally, Applicants request that the pre-appeal conference panel direct that the claims be allowed.

The pre-appeal brief conference panel is invited to call the undersigned at the below-listed telephone number if in the opinion of the panel such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 29, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Fay', is written over a horizontal line.

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